

§ 47.55

§ 47.55 Departments of State and Defense consulted.

The administration of the provisions of this part will be subject to the guidance of the Secretaries of State and Defense on matters affecting world peace and the external security and foreign policy of the United States.

§ 47.56 Authority of Customs officers.

(a) Officers of the U.S. Customs Service are authorized to take appropriate action to assure compliance with this part and with 27 CFR Parts 178 and 179 as to the importation or attempted importation of articles on the U.S. Munitions Import List, whether or not authorized by permit.

(b) Upon the presentation to him of a permit or written approval authorizing importation of articles on the U.S. Munitions Import List, the Customs officer who has authority to release same may require, in addition to such documents as may be required by Customs regulations, the production of other relevant documents relating to the proposed importation, including, but not limited to, invoices, orders, packing lists, shipping documents, correspondence, and instructions.

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-215, 50 FR 42162, Oct. 18, 1985]

§ 47.57 U.S. military defense articles.

(a)(1) Notwithstanding any other provision of this part or of parts 178 or 179 of this chapter, no military defense article of United States manufacture may be imported into the United States if such article was furnished to a foreign government under a foreign assistance or foreign military sales program of the United States.

(2) The restrictions in paragraph (a)(1) of this section cover defense articles which are advanced in value or improved in condition in a foreign country, but do not include those which have been substantially transformed as to become, in effect, articles of foreign manufacture.

(b) Paragraph (a) of this section will not apply if:

(1) The applicant submits with the ATF Form 6—Part I application written authorization from the Department

27 CFR Ch. I (4–1–02 Edition)

of State to import the defense article; and

(2) In the case of firearms, such firearms are curios or relics under 18 U.S.C. 925(e) and the person seeking to import such firearms provides a certification of a foreign government that the firearms were furnished to such government under a foreign assistance or foreign military sales program of the United States and that the firearms are owned by such foreign government. (See §178.118 of this chapter providing for the importation of certain curio or relic handguns, rifles and shotguns.)

(c) For the purpose of this section, the term “military defense article” includes all defense articles furnished to foreign governments under a foreign assistance or foreign military sales program of the United States as set forth in paragraph (a) of this section.

(Approved by the Office of Management and Budget under OMB Control No. 1512–0017)

[T.D. ATF-287, 54 FR 13681, Apr. 5, 1989, as amended by T.D. ATF-393, 62 FR 61235, Nov. 17, 1997; T.D. ATF-426, 65 FR 38198, June 20, 2000]

Subpart G—Penalties, Seizures and Forfeitures

§ 47.61 Unlawful importation.

Any person who willfully:

(a) Imports articles on the U.S. Munitions Import List without a permit;

(b) Engages in the business of importing articles on the U.S. Munitions Import List without registering under this part; or

(c) Otherwise violates any provisions of this part;

Shall upon conviction be fined not more than \$1,000,000 or imprisoned not more than 10 years, or both.

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended at 39 FR 4760, Feb. 7, 1974; T.D. ATF-215, 50 FR 42162, Oct. 18, 1985; T.D. ATF-287, 54 FR 13681, Apr. 5, 1989]

§ 47.62 False statements or concealment of facts.

Any person who willfully, in a registration or permit application, makes any untrue statement of a material

fact or fails to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$1,000,000, or imprisoned not more than 10 years, or both.

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-215, 50 FR 42162, Oct. 18, 1985; T.D. ATF-287, 54 FR 13681, Apr. 5, 1989]

§ 47.63 Seizure and forfeiture.

Whoever knowingly imports into the United States contrary to law any article on the U.S. Munitions Import List; or receives, conceals, buys, sells, or in any manner facilitates its transportation, concealment, or sale after importation, knowing the same to have been imported contrary to law, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both; and the merchandise so imported, or the value thereof shall be forfeited to the United States.

(18 U.S.C. 545)

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-215, 50 FR 42162, Oct. 18, 1985]

PART 53—MANUFACTURERS EXCISE TAXES—FIREARMS AND AMMUNITION

Subpart A—Introduction

Sec.

- 53.1 Introduction.
- 53.2 Attachment of tax.
- 53.3 Exemption certificates.

Subpart B—Definitions

- 53.11 Meaning of terms.

Subpart C—Administrative and Miscellaneous Provisions

- 53.20 Delegations of the Director.
- 53.21 Forms prescribed.
- 53.22 Employer identification number.
- 53.23 Alternate methods or procedures.
- 53.24 Records.

Subparts D–F [Reserved]

Subpart G—Tax Rates

- 53.61 Imposition and rates of tax.
- 53.62 Exemptions.
- 53.63 Other tax-free sales.

Subparts H–I [Reserved]

Subpart J—Special Provisions Applicable to Manufacturers Taxes

- 53.91 Charges to be included in sale price.
- 53.92 Exclusions from sale price.
- 53.93 Other items relating to tax on sale price.
- 53.94 Constructive sale price; scope and application.
- 53.95 Constructive sale price; basic rules.
- 53.96 Constructive sale price; special rule for arm's length sales.
- 53.97 Constructive sale price; affiliated corporations.
- 53.98 Computation of tax on leases and installment sales.
- 53.99 Sales of installment accounts.
- 53.100 Exclusion of local advertising charges from sale price.
- 53.101 Limitation on aggregate of exclusions and price readjustments.
- 53.102 No exclusion or readjustment for other advertising charges or reimbursements.
- 53.103 Lease considered as sale.
- 53.104 Limitation on amount of tax applicable to certain leases.

USE BY MANUFACTURER OR IMPORTER CONSIDERED SALE

- 53.111 Tax on use by manufacturer, producer, or importer.
- 53.112 Business or personal use of articles.
- 53.113 Events subsequent to taxable use of article.
- 53.114 Use in further manufacture.
- 53.115 Computation of tax.

APPLICATION OF TAX IN CASE OF SALES BY OTHER THAN MANUFACTURER OR IMPORTER

- 53.121 Sales of taxable articles by a person other than the manufacturer, producer, or importer.

Subpart K—Exemptions, Registration, Etc.

- 53.131 Tax-free sales; general rule.
- 53.132 Tax-free sale of articles to be used for, or resold for, further manufacture.
- 53.133 Tax-free sale of articles for export, or for resale by the purchaser to a second purchaser for export.
- 53.134 Tax-free sale of articles for use by the purchaser as supplies for vessels or aircraft.
- 53.135 Tax-free sale of articles to State and local governments for their exclusive use.
- 53.136 Tax-free sales of articles to nonprofit educational organizations.
- 53.137–53.139 [Reserved]
- 53.140 Registration.
- 53.141 Exceptions to the requirement for registration.